

By: Christian

H.B. No. 566

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the murder of certain individuals protected under a
3 court order as a capital offense.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 19.03, Penal Code, is amended by
6 amending Subsection (a) and adding Subsection (d) to read as
7 follows:

8 (a) A person commits an offense if the person commits murder
9 as defined under Section 19.02(b)(1) and:

10 (1) the person murders a peace officer or fireman who
11 is acting in the lawful discharge of an official duty and who the
12 person knows is a peace officer or fireman;

13 (2) the person intentionally commits the murder in the
14 course of committing or attempting to commit kidnapping, burglary,
15 robbery, aggravated sexual assault, arson, obstruction or
16 retaliation, or terroristic threat under Section 22.07(a)(1), (3),
17 (4), (5), or (6);

18 (3) the person commits the murder for remuneration or
19 the promise of remuneration or employs another to commit the murder
20 for remuneration or the promise of remuneration;

21 (4) the person commits the murder while escaping or
22 attempting to escape from a penal institution;

23 (5) the person, while incarcerated in a penal
24 institution, murders another:

1 (A) who is employed in the operation of the penal
2 institution; or

3 (B) with the intent to establish, maintain, or
4 participate in a combination or in the profits of a combination;

5 (6) the person:

6 (A) while incarcerated for an offense under this
7 section or Section 19.02, murders another; or

8 (B) while serving a sentence of life imprisonment
9 or a term of 99 years for an offense under Section 20.04, 22.021, or
10 29.03, murders another;

11 (7) the person murders more than one person:

12 (A) during the same criminal transaction; or

13 (B) during different criminal transactions but
14 the murders are committed pursuant to the same scheme or course of
15 conduct;

16 (8) the person murders an individual under six years
17 of age; ~~or~~

18 (9) the person murders another person in retaliation
19 for or on account of the service or status of the other person as a
20 judge or justice of the supreme court, the court of criminal
21 appeals, a court of appeals, a district court, a criminal district
22 court, a constitutional county court, a statutory county court, a
23 justice court, or a municipal court; or

24 (10) the person murders an individual who is a
25 protected individual under a court order directed against the
26 actor.

27 (d) In this section, "court order" means an order from a

1 court of competent jurisdiction that prohibits an individual from
2 engaging in stalking or engaging in threatening, assaultive, or
3 similar conduct. The term includes:

4 (1) a magistrate's order for emergency protection
5 issued under Article 17.292, Code of Criminal Procedure;

6 (2) a protective order issued under Section 6.504,
7 Family Code, or a temporary ex parte order issued under that
8 section, if the temporary ex parte order has been served on the
9 actor;

10 (3) a temporary ex parte order issued under Chapter
11 83, Family Code, if the temporary ex parte order has been served on
12 the actor;

13 (4) a protective order issued under Chapter 85, Family
14 Code; or

15 (5) an order issued by another jurisdiction as
16 provided by Chapter 88, Family Code.

17 SECTION 2. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 governed by the law in effect on the date the offense was committed,
21 and the former law is continued in effect for that purpose. For
22 purposes of this section, an offense was committed before the
23 effective date of this Act if any element of the offense occurred
24 before that date.

25 SECTION 3. This Act takes effect September 1, 2011.